



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

Jul 13 1993

US EPA RECORDS CENTER REGION 5



CERTIFIED MAIL
RETURN RECEIPT REQUESTED

REPLY TO THE ATTENTION OF

Mr. Charles J. Borum, President
Dayton Electroplating, Inc.
1030 Valley Street
PO Box 277
Dayton, OH 45404

Re: Notice of Intention to File Notice of Lien Under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), on property located 1030 Valley Street, County of Montgomery, Dayton, Ohio.

This letter serves to notify you that the United States Environmental Protection Agency intends to perfect a lien on real estate described in the attached "Notice of Federal Lien." The deeds obtained from the Montgomery County Recorder's Office indicate that the entities Dayton Electroplating, Inc. and Mr. Charles J. Borum are the current legal owners of the property located at 1030 Valley Street, County of Montgomery, Dayton, Ohio.

By statute, a lien exists upon all real property upon which U.S. EPA has spent money to perform a removal and/or remedial action. U.S. EPA has reason to believe that: (a) DE and Mr. Charles J. Borum are liable to the United States under CERCLA for clean-up costs as owner and operator of the Site property and (b) the real estate that is legally described in the enclosed Notice is subject to or affected by a removal and/or remedial action under CERCLA. Under CERCLA §107(a) and §101(9), liable persons are those who own any site or area where a hazardous substance has been deposited, stored, disposed, placed, or otherwise come to be located.

U.S. EPA does not believe you are entitled to the defenses to liability under CERCLA §107(b). If you wish to object to the imposition of this lien on the real estate described in the attachment hereto, you may do so in one of two ways:

The first way is to provide written objections. Your objections must be post marked on or before fifteen (15) days from receipt of this Notice of Intention to File Notice of Lien. Each objection must be separately numbered and include the factual and/or legal basis for the objection.

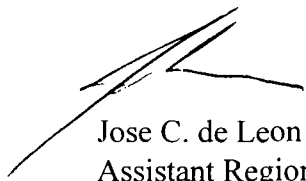
The second way is for you to request an informal conference with U.S. EPA. You must provide a written request for an informal conference within ten (10) days from receipt of this Notice of Intention to File Notice of Lien. This request must contain a written statement of the objections you have to imposition of this lien and the factual and/or legal basis for such objections.

Regardless of the option you choose, you must provide information establishing a defense authorized under CERCLA §107(b) or other information establishing that this lien will be wrongfully imposed. U.S. EPA will not consider objections or comments based on CERCLA §§113(h), 104(a) or other issues not relating to the imposition of this lien. Written objections or requests for informal conferences should be submitted to Ms. Regina Kossek, Regional Judicial Officer, U.S. Environmental Protection Agency, Region V, C-14J, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590.

U.S. EPA also request that you notify it of your intent to sell the property identified above and in the enclosed Notice at least ten (10) working days before any actual transaction is scheduled to take place.

U.S. EPA intends to impose this lien pursuant to CERCLA §107(1), to secure cleanup costs incurred by the Government at the above legally-described Site. The lien imposed by U.S. EPA will continue to be in effect until the costs of clean-up are paid by the liable person(s) or until the liability for the costs becomes unenforceable through operation of the statute of limitations under CERCLA §113. Should you have any questions, you or your attorney may contact me at (312) 353-7456.

Sincerely,



Jose C. de Leon
Assistant Regional Counsel

Enclosure

cc: Leslie Bellas, US DOJ
Environment and Natural Resource Division

Steven L. Renninger, USEPA
Emergency Response Branch, (ME-W)

Arlene Lilly, USEPA
Emergency Support Section, (SE-5J)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUL 13 1990

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

REPLY TO THE ATTENTION OF

Mr. Gordon H. Savage
Registered Agent for
Dayton Electroplating, Inc.
2700 Kettering Tower
40 North Main Street
Dayton, Ohio 45423

Re: Notice of Intention to File Notice of Lien Under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), on property located 1030 Valley Street, County of Montgomery, Dayton, Ohio.

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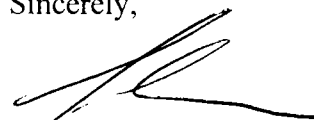
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Sincerely,



Jose C. de Leon
Assistant Regional Counsel

Enclosure

cc: Leslie Bellas, US DOJ
Environment and Natural Resource Division

Steven L. Renninger, USEPA
Emergency Response Branch, (ME-W)

Arlene Lilly, USEPA
Emergency Support Section, (SE-5J)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUL 13 1999

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

REPLY TO THE ATTENTION OF

Robert M. Baratta, Jr., Attorney
Freeborn and Peters
311 South Wacker Drive
Suite 3000
Chicago, IL 60606-6677

Re: Notice of Intention to File Notice of Lien Under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), on property located 1030 Valley Street, County of Montgomery, Dayton, Ohio.

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Jose C. de Leon
Assistant Regional Counsel

Enclosure

cc: Leslie Bellas, US DOJ
Environment and Natural Resource Division

Steven L. Renninger, USEPA
Emergency Response Branch, (ME-W)

Arlene Lilly, USEPA
Emergency Support Section, (SE-5J)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUL 13 1988
7:11 PM

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

REPLY TO THE ATTENTION OF

Mr. Charles J. Borum, President
Dayton Electroplating, Inc.
4712 Harbortown Ln.
Ft. Meyers, FL 33219

Re: Notice of Intention to File Notice of Lien Under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), on property located 1030 Valley Street, County of Montgomery, Dayton, Ohio.

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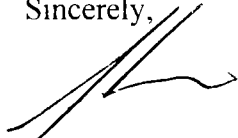
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Sincerely,



Jose C. de Leon
Assistant Regional Counsel

Enclosure

cc: Leslie Bellas, US DOJ
Environment and Natural Resource Division

Steven L. Renninger, USEPA
Emergency Response Branch, (ME-W)

Arlene Lilly, USEPA
Emergency Support Section, (SE-5J)

IN THE MATTER OF:)
)
 Dayton Electroplating, Inc.)
 Dayton, Ohio)

11

The following parcels of Land:

Parcel I: Situate in the City of Dayton, County of Montgomery and State of Ohio, and being Lots Numbered 7289, 7290, 7291, 7292, and 7293.

Parcel II: Situate in the City of Dayton, in the County of Montgomery and State of Ohio, in Section 35, Town 2, Range 7 MRS, and being part of a one (1) Acre Tract of land, as conveyed to the City of Dayton, Ohio, in Deed Book 1442, Page 26 of the Deed of records of said County being more particularly bounded and described as follows: Starting at a point of intersection of the south line of the alley south of Valley Street with the east line of the alley west of Findlay Street; thence westwardly with the south line of the alley south of Findlay Street for a distance of 191.40 feet to the point of beginning; thence southwardly with the east property line of the 1 Acre Tract for a distance of 178.17 feet to a point in the north right-of-way line of the State Route 4 Expressway; thence southwestwardly with the said right of way line for a distance of 152.69 feet to a point; thence westwardly with a line perpendicular to the east property line of the tract herein conveyed for a distance of 61.90 feet to a point in the east line of a proposed twenty foot (20') wide-alley; thence northwardly with the east line of the said proposed alley perpendicular to the previously described course for a distance of 242.45 feet to a point in the south line of the alley south of Valley; thence eastwardly with the said south line of the alley for a distance of 153.02 feet to the point of the beginning; containing 32,908 square feet, more or less. Reserving, however in the City of Dayton, the right to go upon and construct and maintain slopes in , upon and over the following described lands until such time as the owners desire to remove said slopes or build thereon, provided however, in the removal of said slopes the proper preservation of the alley be not impaired, to wit: Situate in the City of Dayton, in the County of Montgomery and State of Ohio, and being part of 1 Acre tract of Land as conveyed to the City of Dayton, Ohio, in Deed Book 1442, Page 26 of the Deed records of said County, being more particularly described as follows: Starting at a point of intersection of the south line of the alley south of Valley Street with the east line of the alley west, of Findlay Street; thence westwardly with the south line of the alley south of Valley Street for a distance of 344.42 feet to a point in the east line of a proposed 20 foot wide alley; thence southwardly with the said east line making a deflection angle to the left of 63°21' with the previously described course for a distance of 70.45 feet to the point of beginning; thence continuing southwardly with the previously described course for a distance of 172 feet to a point; thence northwardly with a line making a deflection angle to the left of 82°52' with the previously described course for a distance of 48.37 feet to a point; thence northwardly with a line making deflection angle to the left of 12°40' with the previously described course for a distance of 124.58 feet to the point of beginning, containing 1,777 square feet, more or less.

Tract II: Situate in the City of Dayton, County of Montgomery and State of Ohio, and being all Lots Numbered 7294 and 7295 of the revised and consecutive numbers of lots as shown on the Plat of the City of Dayton, as conveyed to the City of Dayton in Deed book 1442, Page 26 of the Deed records of said County, being more particularly described as follows: Beginning at the northeast corner of Lot

Numbered 7294, said point being in the south line of Valley Street; thence westwardly with the south line of Valley Street and the north property line of Lots 7294 and 7295 for a distance of 110.2 feet to the northwest corner of Lot 7295; thence southwardly with the west property line of Lot Numbered 7295 perpendicular to the previously described course for a distance of 164.5 feet to the southwest corner of Lot Numbered 7295, said point being in the north line of the alley south of Valley Street; thence eastwardly with the south property line of Lots Numbered 7295 and 7294 and the north line of the alley south of Valley Street to the southeast corner of Lot Numbered 7294; thence northwardly with east property line of Lot 7294 for a distance of 218.5 feet to the point of beginning. Said course being perpendicular to the south line of Valley Street, containing 21,103 square feet, more or less.

Parcel III: Situate in the City of Dayton, County of Montgomery in the State of Ohio, and described as follows: Being all of Lot Numbered 7296 of the revised and consecutive numbered of lots on the Plat of said City of Dayton.

Parcel IV: Also one acre of land situate in the east half of Section 35, Town 2, Range 7, MRS and bounded as follows: Beginning at the intersection of the south line of 16.5 foot alley (as laid out by Joseph Bimm, and recorded in Deed book "M", number 2, Page 486, of the records of said County) with the western line of James Andrews land; thence south 2.75 degrees west (286.77 feet) along said Andrews land to a corner; thence at right angles with said James Andrews line north 87.25 degrees west (172.43 feet) to a corner; thence at right angles to the last line north 2.75 degrees east (211.04 feet) to the south line of the above mentioned 16.5 foot alley and at the point of intersection of the center line of a 16.5 foot alley in said Joseph Bimm's plat running southeastwardly from Valley Street extended to said point; thence north 67.25 degrees east (191.40 feet) along the south line of the first mentioned alley to the place of beginning, containing one acre more or less, being the same premises as conveyed to Bernard Focke as recorded in Deed book 146, Page 136, of the records of said County.

Parcel V: Vacated alleys as vacated on March 9, 1960, by Ordinance Numbered 19557, the same lying between Lots 7293 and 7294, and adjoining to the rear lots numbered 7291, 7292, 7293, 7294 and 7295.

EXCEPTING, however, from the above five described parcels, so much thereof as is now within the limits of State Route 4, and as described in instruments recorded in Book 1929, Page 79, and Book 1958, Page 682, all of the Deed Records of Montgomery County, Ohio, and so much thereof as was conveyed to the City of Dayton for alley purposes as is described by instrument recorded in Book 1979, Page 428 of the Deed Records of Montgomery County, Ohio.

Parcel VI: Situate in the City of Dayton, County of Montgomery, State of Ohio and being part of Section 35, Town 2, Range 7, MRS as conveyed to the City of Dayton in Deed Book 1979, Page 428 of the deed records of said County, being more particularly bounded and described as follows:

Starting at the southeast corner of Lot 7296, thence southwardly along the east property line of Lot 7296 extended southwardly, across a sixteen and one-half (16.50) foot alley for a distance of eighteen and thirty-two hundredths (18.32) feet to the place of beginning of the herein described tract, said point of beginning being on the south line of the alley south of Valley Street; thence continuing southwardly along the previously described course extended for a distance of nine and fifty-one hundredths (9.51) feet to a point; thence westwardly along a line eight and fifty hundredths (8.50) feet south of and parallel to the south line of the alley south of Valley Street for a distance of thirty and fifty-nine hundredths (30.59) feet to a point; thence northwardly along a line that makes a deflection angle to the right from the previously described course of one hundred sixteen degrees and thirty-nine minutes for a distance of nine and fifty-one hundredths (9.51) feet to a point in the south line of the alley south of Valley Street; thence eastwardly along the south line of said alley for a distance of twenty-two and nineteen hundredths (22.19) feet to the place of beginning. Containing 224 square feet more or less.

Parcel VII: Situate in the City of Dayton, County of Montgomery, State of Ohio and being part, of Section 35, Town 2, Range 7, MRS as conveyed to the City of Dayton by deed recorded in Deed Book 1442, Page 26 of the Deed Records of Montgomery County, Ohio, being more particularly bounded and described as follows:

Beginning at the northeast corner of land conveyed to the Lithuanian Social Club by deed recorded in Deed book 1499, Page 46 of the Deed Records of Montgomery County, Ohio, said point being also on the south line of a 16.50 foot alley; thence with said south alley line North 66° 06' 00" East for a distance of 22.38 feet to a point; thence South 2° 45' 00" West for a distance of 242.53 feet to a point, said point being the southwest corner of land conveyed to Janet M. Caine, et al by Deed recorded in Microfiche No. 73-46-DO5 of the said Montgomery County Deed Records.; thence North 87° 15' 00" West for a distance of 20.00 feet to a point said point being the southeast corner of said Lithuanian Social Club land; thence with the east line of said Lithuanian Social Club land North 2° 45' 00" East for a distance of 232.49 feet to the place of beginning. Containing 4750 square feet more or less.

This statutory lien exists and continues until the liability for such costs and damages (or a judgment against the above named arising out of such liability) is satisfied or becomes unenforceable through the operation of the statute of limitations as provided by Section 113 of SARA.

IN WITNESS WHEREOF, the United States has caused this instrument to be executed through the United States Environmental Protection Agency, and its agent, in his official capacity as Director, Office of Superfund of the United States Environmental Protection Agency, Region V, 77 West Jackson, Chicago, Illinois 60604.

Dated at Chicago, Illinois this _____ day of _____, 1995.

UNITED STATES OF AMERICA and
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

By: _____
William E. Muno, Director
Superfund Division
U.S. Environmental Protection Agency
Region V
Chicago, IL 60604

Signed in the presence of:

United States of America)
State of Illinois)
County of Cook)

On this _____ day of _____, 1995, there appeared personally before me, the undersigned Notary, William E. Muno, known to me to be the Director for Superfund of the United States Environmental Protection Agency, Region V, and he acknowledged that he signed the foregoing NOTICE OF FEDERAL LIEN in a representative capacity as the free and voluntary act and deed of the United States and its said Agency for the uses and purposes therein mentioned. GIVEN under my hand and official seal the day and year first stated above.

—
—

NOTARY PUBLIC in and for the
State of Illinois
County of Cook
My commission expires: _____

This instrument has been prepared by Jose de Leon, Assistant Regional Counsel, Office of Regional Counsel, United States Environmental Protection Agency, Region V, 77 West Jackson Boulevard, Chicago, Illinois 60604.